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Compilation on Eritrea

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. In 2015, the Committee on the Elimination of Discrimination against Women encouraged Eritrea to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court.[3] In 2015, the Committee on the Rights of the Child recommended that Eritrea ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182) and the ILO Domestic Workers Convention, 2011 (No. 189).[4]

3. In 2016, the commission of inquiry on human rights in Eritrea concluded that, although Eritrea had increased its engagement with the international community, there was no evidence of progress in the field of human rights.[5]

4. In 2018, the Special Rapporteur on the situation of human rights in Eritrea reported that for the sixth year in a row, the Government had not cooperated with her and had not allowed her access to conduct a country visit.[6] The commission of inquiry stated that, while the Government had failed to respond to its repeated requests for access, the Permanent and Deputy Permanent Representatives of the Permanent Mission of Eritrea to the United Nations had met with members of the commission in New York.[7]

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III. National human rights framework[8]

5. In 2018, the Special Rapporteur on Eritrea stated that the peace agreement between Eritrea and Ethiopia had raised hopes that human rights would be at the centre of the path towards a society respectful of all fundamental rights in Eritrea. She urged the Eritrean authorities to urgently embrace and implement bold measures to strengthen the protection of, and respect for, human rights, justice and accountability.[9]

6. The commission of inquiry noted that it was widely accepted that the Constitution of 23 May 1997 had never been in force. In May 2014, President Isaias Afwerki had announced the drafting of a new constitution and the commission of inquiry had been informed that a committee had been established for that purpose, but had not received any details about the process. Subordinate legislation issued by decree continued to be implemented in an arbitrary manner and the legal vacuum continued to have far-reaching consequences for the protection of human rights.[10] The commission of inquiry recommended that Eritrea implement the Constitution without further delay and ensure that any amendments to it were made in a transparent and participatory manner, taking into account the State's international obligations.[11]

7. While noting the lack of an independent judiciary, a national assembly and other democratic institutions, the commission of inquiry recommended that Eritrea ensure the separation of powers between the legislature, the executive and the judiciary.[12] It also recommended that Eritrea adhere to the principles of the supremacy of law, equality before the law, accountability to the law and legal certainty.[13]

8. The Committee on the Rights of the Child recommended that Eritrea establish a national human rights institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and provide it with adequate human and financial resources to receive, monitor and investigate complaints.[14] The commission of inquiry made a similar recommendation and called for the institution to have a protection mandate.[15]

9. The Committee on the Rights of the Child was concerned by the prolonged periods of national service.[16] It urged Eritrea to limit the duration of compulsory national service to 18 months, as stipulated in the law.[17] The Committee on the Elimination of Discrimination against Women urged the Government to discontinue the indefinite period of national service and legally recognize the right to conscientious objection.[18] It recommended that Eritrea ensure that the conditions of national service complied with the ILO Abolition of Forced Labour Convention, 1957 (No. 105).[19] In 2018, Eritrea informed the Committee on the Elimination of Discrimination against Women that it was necessary to prolong the duration of national service beyond the statutory 18 months in order to defend the State's sovereignty and territorial integrity.[20] Taking note of the Joint Declaration of Peace and Friendship that Eritrea had signed with Ethiopia, the United Nations High Commissioner for Human Rights stated that her Office particularly looked forward to seeing an end to indefinite conscription into the military.[21]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[22]

10. While noting the efforts of Eritrea to eliminate discrimination, the Committee on the Rights of the Child was concerned that certain forms of discrimination remained, particularly against girls, ethnic minorities and nomadic communities. It recommended that Eritrea continue its efforts to eliminate all forms of discrimination against all children, both in law and in practice.[23]

11. The Committee on the Elimination of Discrimination against Women urged Eritrea to incorporate into national law a definition of discrimination against women in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.[24]

12. The Committee on the Rights of the Child stated that the criminalization of consensual same-sex conduct in the transitional penal code encouraged stigmatization of and discrimination against lesbian, gay, bisexual and transgender persons. It recommended that Eritrea repeal the provisions that criminalized homosexuality.[25]

2. Development, the environment, and business and human rights[26]

13. In 2018, the Special Rapporteur on Eritrea stated that she had received information indicating that many small businesses had been shut down. Many of the affected business owners had not formally been informed of the reasons for the closure of their businesses and had found their business premises sealed off overnight with a so-called *taashigu*, a note from the Ministry of Local Government, pasted on the door.[27]

B. Civil and political rights

1. Right to life, liberty and security of person[28]

14. In 2016, the commission of inquiry found that the Government was violating the right to life by committing extrajudicial killings and by subjecting Eritrean citizens to abysmal conditions of detention and national service, in which death was a foreseeable consequence.[29]

15. The commission of inquiry found that since 1991, Eritrean officials had engaged in a persistent, widespread and systematic attack against the civilian population and that there were reasonable grounds for believing that they had committed crimes against humanity. They had committed, and continued to commit, the crimes of enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder.[30] The commission concluded that there were reasonable grounds for believing that the top levels of the National Security Office and the military had been responsible for most of the cases of arbitrary arrest, enforced disappearance and torture, and that military commanders were also responsible for abuses committed in the context of the Government's military service programmes and at the borders.[31] The commission recommended that Eritrea ensure accountability for past and persistent human rights violations and crimes, including enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder, through the establishment of independent, impartial and gender-sensitive mechanisms, and provide victims with adequate redress, including the right to truth and reparations.[32]

16. The Committee on the Rights of the Child expressed concern that border control measures reportedly included excessive use of force, including a "shoot to kill" policy against those trying to flee the country. The Committee urged Eritrea to cease, with immediate effect, the excessive use of force.[33]

17. The commission of inquiry concluded that the use of torture was, and remained, an integral part of the Government's repression of the civilian population. It recommended that Eritrea put an immediate end to the use of torture and other forms of ill-treatment, establish adequate complaint mechanisms and ensure investigations into allegations of torture and prosecutions of those accused of such crimes.[34]

18. The commission of inquiry stated that arbitrary detention was routine and indiscriminate. It recommended that Eritrea put an end to the practice of arrest and detention without a legal basis and release all those who had been unlawfully and arbitrarily detained.[35]

19. The Special Rapporteur on Eritrea stated that several members of the "Eritrean G-15", a group of prominent politicians arrested in September 2001, were believed to have died in custody. The group included Haile Woldetenase, a former Minister of Foreign

Affairs who had been held incommunicado and in solitary confinement and had never been brought to trial or even charged, who had reportedly died in custody in January 2018.[36] The Special Rapporteur recommended the unconditional release of all prisoners of conscience, including members of the Eritrean G-15 and those incarcerated for their religious beliefs.[37]

20. The Committee on the Elimination of Discrimination against Women was concerned about reports that women in detention were subjected to multiple forms of violence, including sexual violence, by male guards. It recommended that Eritrea protect women in detention from violence, particularly sexual violence, including by ensuring that gender-sensitive complaint mechanisms were available [38] and that women were under the supervision of female guards in all places of detention.[39]

21. The commission of inquiry stated that men continued to experience sexual violence in detention, in some instances with the intent of ensuring that the victim would no longer be able to reproduce.[40] The Special Rapporteur on Eritrea stated that deplorable conditions in the congested detention centres exacerbated the vulnerability of detainees and had proven to be death traps for many.[41] She called for prompt, in-depth, transparent and impartial investigation into all deaths in custody.[42]

2. Administration of justice, including impunity, and the rule of law[43]

22. Noting the lack of an independent judiciary, the commission of inquiry recommended that Eritrea establish an independent, impartial and transparent judiciary, and ensure that court processes, including judgments, were transparent, open and accessible to the public. It also recommended that Eritrea bring into force the Penal Code, the Criminal Code, the Civil Code and the Civil Procedure Code of May 2015, and amend those instruments to reflect all international human rights standards.[44]

23. In 2018, the Special Rapporteur on Eritrea stated that the rule of law was not supreme in Eritrea and that the Government and its agents were not subject to the law, which resulted in impunity for widespread human rights violations.[45] She recommended that Eritrea ensure that those accused of a crime had the opportunity to present their cases before any action was taken against them, in accordance with the basic principles of due process, and that they were given access to legal counsel.[46]

24. The Committee on the Rights of the Child was seriously concerned that there was still no juvenile justice system[47] and that children aged between 16 and 18 years were tried as adults and placed in detention facilities and prisons together with adults.[48] It urged Eritrea to establish a child-friendly juvenile justice system that was in full conformity with the relevant standards, ensure that children's detention conditions complied with international standards, promote alternative measures to detention and, where detention was unavoidable, ensure that children were detained as a measure of last resort and for the shortest possible time.[49]

25. The Committee on the Elimination of Discrimination against Women was concerned about numerous obstacles faced by women and girls in accessing justice. It recommended that Eritrea design a comprehensive judicial policy to eliminate those obstacles, ensure that women who were victims of sex- and gender-based discrimination had access to effective redress and legal aid, bring all cases of violence and discrimination against women under the jurisdiction of criminal rather than military courts, enhance women's awareness of their rights, and provide judges, prosecutors, police officers, lawyers and traditional and religious leaders with training on women's rights and gender equality.[50]

26. Concerned by the continuation of pervasive corruption in Eritrea, the Committee on the Rights of the Child recommended strengthening institutional capacities to detect, investigate and prosecute corruption effectively.[51]

27. In 2018, the United Nations Deputy High Commissioner for Human Rights stated that during the mission to Eritrea in October 2017, a workshop had been held on human rights and the administration of justice. Participants had included members of the judiciary, the prosecution, the police, correction personnel, the Ministries of Justice and of the Interior, and civic associations.[52]

3. Fundamental freedoms and the right to participate in public and political life[53]

28. The commission of inquiry concluded that Eritrea perceived freedom of religion as a threat and had thus controlled religious expression. At various times, government officials had persecuted Muslims, Jehovah's Witnesses and members of other non-authorized religious groups, commonly known as *pentes*.[54] The commission recommended that Eritrea respect freedom of religion or belief, put an end to the practice of arbitrary arrest and detention of individuals based on their religious beliefs and immediately and unconditionally release all those who had been unlawfully and arbitrarily detained.[55]

29. The Committee on the Rights of the Child was concerned about the particularly severe restrictions placed on the press and recommended removing them.[56] It was also concerned about the limitations and severe administrative restrictions placed on independent human rights defenders and civil society organizations. It urged Eritrea to allow them to exercise their right to freedom of expression, opinion and association without threat or harassment; to promptly and independently investigate instances of intimidation and harassment against them; and to systematically involve all non-governmental organizations in the development, implementation, monitoring and evaluation of laws, policies and programmes.[57]

30. The commission of inquiry recommended that Eritrea permit human rights defenders and independent civil society organizations, including gender-specific organizations, to operate without interference.[58]

31. The commission of inquiry also recommended that Eritrea allow for the creation of political parties and hold democratic elections.[59]

32. The Committee on the Elimination of Discrimination against Women noted that, despite the measures that had been taken,[60] women remained underrepresented in senior government positions and had been unable to vote and run as candidates for the National Assembly in free and fair elections since the country's independence.[61] The Committee was also concerned at reports that the temporary special measures aimed at ensuring women's representation in legislative and judicial bodies benefited only women affiliated with the political party in power.[62] It urged Eritrea to ensure that women had equal representation in the Government, particularly at high levels of decision-making, in legislative assemblies, in the judiciary and in the civil service.[63]

4. Prohibition of all forms of slavery

33. The Committee on the Elimination of Discrimination against Women expressed concern about reports that numerous women and girls, including unaccompanied children, who were fleeing the country became victims of human trafficking and smuggling.[64] The Committee on the Rights of the Child was gravely concerned that senior military officers were allegedly involved in the trafficking or smuggling of persons, including children.[65] The Committee on the Elimination of Discrimination against Women recommended that Eritrea urgently adopt comprehensive legislation and a national policy on trafficking in persons, with a gender perspective; provide free legal aid and support to women and child victims of trafficking, particularly unaccompanied children; train professionals on trafficking-related matters; and strengthen rehabilitation and reintegration programmes for women in prostitution.[66] The Committee on the Rights of the Child urged Eritrea to immediately investigate and prosecute individuals responsible for the trafficking, smuggling and abduction of children, and to reunite child victims with their families and provide them with protection and assistance.[67]

5. Right to family life

34. The Committee on the Rights of the Child welcomed the efforts made by Eritrea to facilitate the reunification of orphans with their extended family and to prioritize adoption and community-based group homes over placing children in orphanages. It was, however, concerned that many children were deprived of a family environment and that a large number of children were placed in orphanages. Moreover, the prolonged period of conscription for national service had negative effects on the capacity of parents and caregivers to provide for their children and deprived children of a family environment

because of their parents' absence. The Committee recommended that Eritrea allocate sufficient resources to support children without parental care and to prioritize the family-type and community-based forms of alternative care for children deprived of parental care, including children with disabilities; provide access to child-friendly complaint mechanisms for children in alternative care; and adequately monitor alternative care facilities.[68]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

35. The Committee on the Elimination of Discrimination against Women stated that, despite the measures taken to facilitate women's access to employment, particularly self-employment, women were concentrated in non-skilled and low-paid jobs. It recommended that Eritrea tackle the occupational segregation of women and men, amend the Labour Proclamation (No. 118/2001) to include the principle of equal pay for work of equal value, and criminalize sexual harassment.[69]

2. Right to an adequate standard of living[70]

36. The Committee on the Rights of the Child expressed concern about the high regional disparity in access to food, water and sanitation, and about the frequent reports of food insecurity. It recommended that Eritrea reduce those disparities and improve the availability and accessibility of adequate food.[71]

37. The same Committee expressed concern that the policy of self-reliance might have undermined access to humanitarian assistance.[72] While noting that the Food and Agriculture Organization of the United Nations had cited drought as the main cause of low crop production, the Special Rapporteur on Eritrea recommended that Eritrea ensure unhindered access to all humanitarian organizations, including United Nations agencies and faith-based organizations, to enable them to provide assistance.[73]

38. The Committee on the Rights of the Child expressed concern about forced evictions and the demolition of houses. It recommended that Eritrea prevent and prohibit forced evictions in line with relevant international standards, and adopt human rights-sensitive housing and land management.[74]

39. The Special Rapporteur on Eritrea noted that the human cost of the demolition of houses by the authorities had been immense, compounding an already acute shortage of adequate housing in urban areas, especially in Asmara. The human cost included the disruption of family life, the interruption of children's education, further impoverishment, the devastation of individuals' entire lifetime investments, and displacement. The housing projects in Halibet and Sembel were beyond the financial means of the majority of Eritreans.[75]

40. The Special Rapporteur expressed concern that, as a consequence of the absence of the rule of law and an independent judiciary, affected communities were not able to challenge decisions on forcible evictions or seek adequate compensation in a court of law.[76] She recommended that Eritrea provide avenues of redress and access to remedies for those whose houses had been demolished.[77]

3. Right to health[78]

41. While noting the efforts made by Eritrea to improve the health situation of its population, the Committee on the Elimination of Discrimination against Women noted with concern the low budget allocated to the health sector, which was below the regional average, and the insufficient number of trained doctors and midwives.[79] It recommended that Eritrea increase the budget allocated to health care and the number of trained health-care providers and medical personnel, including midwives, particularly in rural areas.[80]

42. Notwithstanding the official achievement by Eritrea of Millennium Development Goals 4 and 5 on child and maternal mortality, the same Committee noted with concern the high rate of maternal mortality.[81] It recommended that Eritrea further reduce maternal

mortality by ensuring the provision of adequate sexual and reproductive health services, including access to antenatal, delivery and postnatal services.[82]

43. The Committee noted with concern that malnutrition remained a leading cause of infant mortality and that there were frequent reports of food production shortages.[83] It recommended that Eritrea ensure that all women and children had access to adequate nutrition, including by increasing efforts to address the food production shortages, and seek international assistance to that effect.[84]

44. The Committee noted with concern the high number of early pregnancies, the lack of specific guidelines on safe abortion procedures, and the extremely low rate of use of modern contraceptives.[85] It recommended that Eritrea reduce the number of teenage pregnancies by ensuring access to age-appropriate information and education on sexual and reproductive health and rights for girls and boys.[86] The Committee also recommended adopting specific guidelines on safe abortion procedures that regulated access to safe abortion, and ensure the availability of safe and confidential abortion and post-abortion services.[87]

45. The Committee on the Rights of the Child remained concerned that the neonatal mortality rate remained high, that HIV/AIDS, sexually transmitted infections and tuberculosis remained major public health concerns, and that the prevalence of non-communicable diseases was increasing. It recommended that Eritrea adopt national strategies on child and adolescent health, on HIV/AIDS, sexually transmitted diseases and tuberculosis, and on sanitation in rural areas.[88]

4. Right to education[89]

46. The Committee on the Rights of the Child welcomed a number of education-related policies and strategies.[90] However, it was concerned that the primary and secondary school enrolment rates remained low and that children in nomadic communities still faced disadvantages in accessing quality education.[91] The Committee on the Elimination of Discrimination against Women expressed concern about the insufficient number of schools, particularly in rural areas.[92] The Committee on the Rights of the Child recommended that Eritrea address the root causes of the low rates of school enrolment and completion, such as hidden education costs and negative cultural attitudes, ensure that primary education was free, compulsory and universal, and improve access to schools and quality education for nomadic communities.[93]

47. While noting the increased enrolment of girls in primary and secondary education, the Committee on the Elimination of Discrimination against Women was concerned that for girls, the enrolment rate remained low and the dropout rate high, particularly in rural areas.[94] The Committee on the Rights of the Child was concerned that the dropout rate for girls was high owing to excessive domestic duties, early marriage and pregnancy.[95] The Committee on the Elimination of Discrimination against Women recommended that Eritrea ensure de facto equal access to all levels of education for girls and young women and reduce the dropout rate for girls; increase the number of female teachers; address the underrepresentation of women in vocational and higher education; and prohibit sexual abuse and harassment in schools and prosecute alleged perpetrators.[96] The Committee on the Rights of the Child recommended that Eritrea support girls who were married, pregnant or rearing children in continuing their education.[97]

D. Rights of specific persons or groups

1. Women[98]

48. The Committee on the Rights of the Child welcomed the adoption of the National Gender Action Plan 2015–2019.[99] The Committee on the Elimination of Discrimination against Women recommended that Eritrea strengthen the National Union of Eritrean Women by giving it executive powers, and allocate adequate resources to the national machinery for the advancement of women.[100]

49. While noting the efforts of Eritrea to eliminate stereotypes and harmful practices,[101] the Committee on the Elimination of Discrimination against Women remained concerned about the persistence of patriarchal attitudes and deep-rooted gender stereotypes.[102] It urged Eritrea to adopt a comprehensive strategy to eliminate stereotypes,[103] and called on Eritrea to increase the use of temporary special measures to accelerate the achievement of substantive gender equality, particularly to enhance the rights of rural women, older women and women with disabilities.[104]

50. The Committee on the Elimination of Discrimination against Women was concerned that discriminatory provisions of family law were implemented in Muslim communities with regard to issues concerning marriage, divorce and inheritance. It recommended that Eritrea harmonize the implementation of family law with the Convention on the Elimination of All Forms of Discrimination against Women to ensure that Muslim women and girls enjoyed the same rights as men in marriage, divorce and inheritance.[105]

51. The same Committee was concerned that, despite the measures that had been taken to promote women's participation in economic life,[106] the implementation of women's equal right to land was hampered by the bias of land distribution committees; sharia law was applied in inheritance cases in Muslim communities; the position of women in polygamous marriages was uncertain regarding the right to land; and women farmers continued to face discrimination in terms of access to agricultural services and technologies.[107] The Committee recommended that Eritrea fully implement Proclamation No. 58/1994 on land tenure; ensure that Muslim women and girls, including those in polygamous marriages, enjoyed the same access to land and productive resources as men; facilitate women's access to those and other resources necessary for making their farming practices sustainable and productive; and ensure that women's empowerment initiatives were adequately mainstreamed within development programmes.[108]

52. The Committee was concerned that rural women had limited access to education, health and employment. It recommended that Eritrea adopt a comprehensive strategy to address the situation and needs of women and girls living in rural areas, and ensure their representation in decision-making processes.[109]

53. The commission of inquiry found that sexual and gender-based violence persisted in Eritrea. Rape and domestic servitude in military training centres and in the army, and rape in detention facilities, went unpunished. Women and girls who tried to flee the country were at greater risk of sexual and gender-based violence and there were documented cases of women and girls who had been arrested by soldiers at the border and subjected to acts of sexual violence.[110]

54. Despite efforts to eliminate harmful practices,[111] the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child remained concerned about the continued prevalence of female genital mutilation, particularly in rural areas,[112] and the persistence of polygamy in some Muslim communities.[113] The Committee on the Rights of the Child recommended that Eritrea strengthen its efforts to eliminate female genital mutilation,[114] and enforce the prohibition of polygamous marriage without exception.[115] The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child urged Eritrea to expeditiously adopt a comprehensive strategy to eliminate all harmful practices;[116] enforce Proclamation No. 158/2007 abolishing female genital mutilation and ensure that perpetrators were prosecuted and victims compensated;[117] and reinforce awareness-raising programmes on the harmful effects and criminal nature of all such practices.[118]

55. The Committee on the Elimination of Discrimination against Women was deeply concerned about reports of widespread violence against women and girls, particularly in the domestic sphere, in educational institutions and in the context of national service.[119] It recommended that Eritrea adopt a comprehensive policy and legislation explicitly criminalizing all forms of violence against women, including marital rape; establish confidential and gender-sensitive complaint mechanisms and legal aid programmes; ensure that alleged perpetrators of violence against women were prosecuted by a competent criminal court and victims were compensated; strengthen rehabilitation and reintegration

programmes for victims; and provide capacity-building on violence against women for professional groups and conduct awareness-raising campaigns.[120]

56. The Committee on the Elimination of Discrimination against Women was deeply concerned that women and girls were being forcibly recruited into national service for an indefinite period, under conditions amounting to forced labour,[121] and that women performing national service were reportedly frequently victims of sexual violence, including rape, by officers and male recruits,[122] who were rarely prosecuted.[123] It was equally concerned that an increasing number of Eritrean women and girls, including unaccompanied children, were fleeing the country to avoid national service.[124]

57. The commission of inquiry stated that detention continued to have a discriminatory effect on women, given that the special needs of pregnant and nursing mothers and women with children in detention continued to be neglected, which in some cases had resulted in miscarriages or infant illness.[125]

2. Children[126]

58. The Committee on the Rights of the Child welcomed the adoption of the National Policy on Children (2014)[127] and recommended that Eritrea develop a strategy or action plan for its implementation, and allocate sufficient resources to it.[128] The Committee also recommended allocating sufficient resources to the entities designated to coordinate the implementation of the Convention on the Rights of the Child,[129] and for the implementation of children's rights.[130] It further recommended defining budgetary lines for children in disadvantaged or vulnerable situations,[131] and adopting a comprehensive children's code.[132]

59. The same Committee recommended that Eritrea strengthen its efforts to eliminate stereotypes and practices that discriminated against girls, including harmful practices, sexual and domestic violence and unequal inheritance rights for girls.[133]

60. The commission of inquiry stated that harmful practices, such as the forced marriage of underage girls, persisted, even though the legal minimum age for marriage was 18 years.[134] The Committee on the Elimination of Discrimination against Women recommended that Eritrea strictly enforce the minimum age of marriage and ensure that marriages of girls between 16 and 18 years of age were authorized only by a competent court in cases strictly defined by law and with the full, free and informed consent of the girl concerned.[135] The Committee on the Rights of the Child recommended that Eritrea address the root causes of child marriage.[136]

61. The same Committee was concerned at reports that returning migrant children faced torture and detention upon return, and that children in detention routinely faced torture, cruel and degrading treatment, including corporal punishment, particularly if they had been accused of attempting to avoid military service or fleeing the country.[137] It was also concerned that children, including girls, were frequently subjected to violence, including sexual abuse, at home and in educational institutions.[138] It urged Eritrea to adopt and implement laws, national policies or national action plans to address all forms of violence against children.[139]

62. The commission of inquiry stated that girls continued to be removed from school and forced into marriages arranged by their families in order for them to avoid the harsh conditions and the possibility of sexual abuse in national service training centres.[140]

63. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child were concerned that all high school students, including girls, had to enrol for their twelfth grade at the Sawa Military Training Centre, where they were at risk of being subjected to violence.[141] The Committee on the Elimination of Discrimination against Women urged Eritrea to discontinue forced enrolment at that Centre.[142]

64. The Committee on the Rights of the Child expressed concern about alleged forced underage recruitment, including through the practice of round-ups (*giffa*).[143] The Committee was also concerned about reported widespread violence against children, including sexual violence, in the context of national service and military training, such as in the training centres in Sawa and Wi'a.[144] It urged Eritrea to strictly enforce the relevant legislation to

prevent the recruitment of children into the military, immediately release all underage children currently conscripted in military service, and respect the minimum age for compulsory military training, set at 18 years.[145] The Committee on the Elimination of Discrimination against Women urged Eritrea to investigate and prosecute all cases of violence against women and girls during their national service and at the Sawa Military Training Centre, and to provide legal aid, rehabilitation programmes and adequate compensation to victims.[146] In 2018, the Government of Eritrea stated that the allegations of sexual abuse in the Sawa Training Centre were unfounded.[147]

65. The Committee on the Rights of the Child was concerned at reports that child labour involving children under the minimum age was widespread. It urged Eritrea to adopt regulations protecting children from economic exploitation and from hazardous work, and an action plan to prevent and combat child labour.[148]

66. The same Committee recommended that Eritrea develop a comprehensive policy to address the root causes of children in street situations and to provide them with protection, adequate health-care services, shelter, education and other social services.[149]

3. Persons with disabilities

67. While welcoming progress on the enforcement of the rights of children with disabilities, the Committee on the Rights of the Child was concerned about the referral of children with visual and hearing impairments and children with developmental and intellectual disabilities to special schools. It encouraged Eritrea to integrate a human rights-based approach to disability in all relevant laws, policies and programmes, promote inclusive education for all children with disabilities, and ensure that they had access to meaningful, effective and quality education.[150]

4. Minorities and indigenous peoples

68. The Committee on the Rights of the Child expressed concern at allegations that the traditional means of livelihood of some ethnic minority groups, including the Afar and the Kunama people, were being destroyed and that those groups were being displaced from their traditional territories. It urged Eritrea to ensure that children belonging to minority groups could enjoy their own culture, religion and language.[151] It recommended that Eritrea intensify its efforts to eliminate discrimination against children from ethnic minorities.[152]

69. The commission of inquiry recommended that Eritrea ensure the protection of all minority ethnic groups in the country, particularly the Kunama and the Afar people.[153] The Special Rapporteur on Eritrea stated that Eritrea had continued to actively pursue a land policy that legitimized displacement and dispossession of indigenous populations of traditional lands.[154] She recommended that Eritrea respect land rights in relation to traditional ownership of land and access to fishing grounds to protect the livelihoods of local communities.[155]

5. Migrants, refugees, asylum seekers and internally displaced persons[156]

70. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child considered that the indefinite period of national service, the ineffective implementation of the 1997 Constitution and the suspension of the National Assembly had resulted in a serious refugee crisis.[157]

71. The Committee on the Rights of the Child stressed that the conditions in Eritrea were so harsh that a large number of children felt compelled to leave the country.[158]

72. The same Committee was concerned about the tight control over the issuance of exit visas and the requirement to pay a tax to re-enter the country, and about detention and enforced disappearance of children in migration situations and other returnees. It was also concerned by reports that family members were frequently punished for another family member's conduct, such as fleeing the country. It urged Eritrea to respect the right to leave or re-enter the country.[159]

6. Stateless persons

73. The Committee on the Elimination of Discrimination against Women was concerned about the persistent challenges to registering children in rural areas.[160] The Committee on the Rights of the Child recommended registering all children born within the national territory and urged Eritrea to create accessible and free institutional birth registration structures at all levels.[161]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Eritrea will be available at www.ohchr.org/EN/Countries/AfricaRegion/Pages/ERIndex.aspx.
[2] For relevant recommendations, see A/HRC/26/13, paras. 122.1–122.21, 122.23–122.29, 122.51–122.53, 122.72–122.74, 122.76–122.106 and 122.199.
[3] CEDAW/C/ERI/CO/5, paras. 44 and 49. See also CRC/C/ERI/CO/4, para. 75.
[4] CRC/C/ERI/CO/4, paras. 50 (f), 66 (d) and 74.
[5] A/HRC/32/47, para. 115.
[6] A/HRC/38/50, para. 7.
[7] A/HRC/32/47, para. 4.
[8] For relevant recommendations, see A/HRC/26/13, paras. 122.22, 122.30–122.38, 122.41–122.50, 122.54–122.63, 122.65–122.71, 122.75, 122.107, 122.111, 122.143, 122.162, 122.175–122.177, 122.196–122.197 and 122.200.
[9] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23584&LangID=E.
[10] A/HRC/32/47, para. 31.
[11] Ibid., para. 119 (a). See also CRC/C/ERI/CO/4, para. 10 (a), and CEDAW/C/ERI/CO/5, para. 11 (a).
[12] A/HRC/32/47, paras. 31 and 120 (a).
[13] Ibid., para. 120 (b).
[14] CRC/C/ERI/CO/4, para. 21.
[15] A/HRC/32/47, para. 120 (g).
[16] CRC/C/ERI/CO/4, para. 47 (b).
[17] Ibid., para. 48 (c). See also CEDAW/C/ERI/CO/5, para. 9 (a), CEDAW/C/ERI/CO/5/Add.1, para. 15, and A/HRC/32/47, paras. 116 and 121 (a).
[18] CEDAW/C/ERI/CO/5, para. 9 (a).
[19] Ibid., para. 33 (d).
[20] CEDAW/C/ERI/CO/5/Add.1, para. 15. See also para. 11.
[21] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23518&LangID=E.
[22] For the relevant recommendation, see A/HRC/26/13, para. 122.155.
[23] CRC/C/ERI/CO/4, paras. 24 (a)–25.
[24] CEDAW/C/ERI/CO/5, para. 11 (b).
[25] CRC/C/ERI/CO/4, paras. 24 (c)–25 (d).
[26] For the relevant recommendation, see A/HRC/26/13, para. 122.198.
[27] A/HRC/38/50, para. 82.
[28] For relevant recommendations, see A/HRC/26/13, paras. 122.116–122.122, 122.134–122.142 and 122.145–122.151.
[29] A/HRC/32/47, para. 50.
[30] Ibid., para. 112.
[31] Ibid., para. 117.
[32] Ibid., para. 128.
[33] CRC/C/ERI/CO/4, paras. 29 (a)–30.
[34] A/HRC/32/47, paras. 81 and 123.
[35] Ibid., paras. 71 and 122. See also A/HRC/38/50, para. 109 (d).
[36] A/HRC/38/50, para. 56.
[37] Ibid., para. 109 (c).
[38] CEDAW/C/ERI/CO/5, paras. 40–41 (a).
[39] Ibid., para. 41 (b).
[40] A/HRC/32/47, para. 49.
[41] A/HRC/38/50, para. 51
[42] Ibid., para. 60.
[43] For relevant recommendations, see A/HRC/26/13, paras. 122.144 and 122.152–122.153.
[44] A/HRC/32/47, para. 120 (c) and (e).
[45] A/HRC/38/50, para. 28.
[46] Ibid., para. 109 (e).

[47] CRC/C/ERI/CO/4, para. 70 (a).
[48] Ibid., para. 70 (b)–(c).
[49] Ibid., para. 71 (c)–(d).
[50] CEDAW/C/ERI/CO/5, paras. 12–13 (a) and (c)–(f).
[51] CRC/C/ERI/CO/4, paras. 17–18.
[52] United Nations Deputy High Commissioner for Human Rights, "Oral updates on DPRK and Eritrea: 37th session of the Human Rights Council" (14 March 2018). Available at www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23548&LangID=E.
[53] For relevant recommendations, see A/HRC/26/13, paras. 122.39–122.40, 122.64, 122.154–122.161 and 122.163–122.168.
[54] A/HRC/32/47, para. 87.
[55] Ibid., para. 124 (a)–(b).
[56] CRC/C/ERI/CO/4, paras. 32–33.
[57] Ibid., paras. 22–23.
[58] A/HRC/32/47, para. 120 (h).
[59] Ibid., para. 120 (f).
[60] CEDAW/C/ERI/CO/5, para. 24.
[61] Ibid., para. 24. See also CEDAW/C/ERI/CO/5/Add.1, paras. 16–17.
[62] CEDAW/C/ERI/CO/5, para. 16. See also para. 24.
[63] Ibid., para. 25 (b).
[64] Ibid., paras. 22 and 8 (c). See also CRC/C/ERI/CO/4, para. 68 (a).
[65] CRC/C/ERI/CO/4, para. 68 (b).
[66] CEDAW/C/ERI/CO/5, para. 23 (b), (d)–(e) and (g). See also CRC/C/ERI/CO/4, para. 69 (b).
[67] CRC/C/ERI/CO/4, para. 69 (a)–(b). See also CEDAW/C/ERI/CO/5, para. 23 (d).
[68] CRC/C/ERI/CO/4, paras. 47, 49, 50 (b)–(e) and 57 (a).
[69] CEDAW/C/ERI/CO/5, paras. 32–33 (a)–(b).
[70] For relevant recommendations, see A/HRC/26/13, paras. 122.169–122.172, 122.174 and 122.178.
[71] CRC/C/ERI/CO/4, paras. 57 (c)–(d) and 58 (c)–(e). See also CEDAW/C/ERI/CO/5, paras. 34 (b) and 35 (b).
[72] CRC/C/ERI/CO/4, para. 57 (b).
[73] A/HRC/38/50, paras. 77 and 109 (l).
[74] CRC/C/ERI/CO/4, paras. 57 (e) and 58 (f)–(g).
[75] A/HRC/38/50, paras. 83 and 85–86.
[76] Ibid., para. 92.
[77] Ibid., para. 109 (i).
[78] For relevant recommendations, see A/HRC/26/13, paras. 122.179–122.183.
[79] CEDAW/C/ERI/CO/5, para. 34.
[80] Ibid., para. 35 (c).
[81] Ibid., para. 34.
[82] Ibid., para. 35 (a).
[83] Ibid., para. 34.
[84] Ibid., para. 35 (b).
[85] Ibid., para. 34.
[86] Ibid., para. 35 (d).
[87] Ibid., para. 35 (e).
[88] CRC/C/ERI/CO/4, paras. 55 (a)–(b) and (f) and 56 (a).
[89] For relevant recommendations, see A/HRC/26/13, paras. 122.184–122.194.
[90] CRC/C/ERI/CO/4, para. 59.
[91] Ibid.
[92] CEDAW/C/ERI/CO/5, para. 28 (b).
[93] CRC/C/ERI/CO/4, para. 60 (a)–(b) and (h).
[94] CEDAW/C/ERI/CO/5, para. 28 (a). See also CRC/C/ERI/CO/4, para. 59 (a)–(b).
[95] CRC/C/ERI/CO/4, para. 59 (b). See also CEDAW/C/ERI/CO/5, para. 29 (a).
[96] CEDAW/C/ERI/CO/5, para. 29 (a) and (c)–(d). See also CRC/C/ERI/CO/4, para. 60 (c), and CEDAW/C/ERI/CO/5/Add.1, para. 19.
[97] CRC/C/ERI/CO/4, para. 60 (d).
[98] For relevant recommendations, see A/HRC/26/13, paras. 122.108–122.110, 122.112–122.114 and 122.125–122.133.
[99] CRC/C/ERI/CO/4, para. 5 (b).
[100] CEDAW/C/ERI/CO/5, para. 15.
[101] Ibid, para. 18.
[102] Ibid.
[103] Ibid, para. 19 (a). See also CRC/C/ERI/CO/4, para. 25 (a).

[104] CEDAW/C/ERI/CO/5, para. 17.
[105] Ibid., paras. 42–43 (b).
[106] Ibid., para. 36.
[107] Ibid., para. 36 (a)–(d).
[108] Ibid., para. 37.
[109] Ibid., paras. 38–39.
[110] A/HRC/32/47, para. 45.
[111] CRC/C/ERI/CO/4, para. 40.
[112] CEDAW/C/ERI/CO/5, para. 18, and CRC/C/ERI/CO/4, para. 40.
[113] CEDAW/C/ERI/CO/5, para. 18, and CRC/C/ERI/CO/4, para. 42. See also CEDAW/C/ERI/CO/5, para. 42.
[114] CRC/C/ERI/CO/4, para. 41.
[115] Ibid., para. 43. See also CEDAW/C/ERI/CO/5, para. 43 (c).
[116] CRC/C/ERI/CO/4, para. 41 (a), and CEDAW/C/ERI/CO/5, para. 19 (a).
[117] CEDAW/C/ERI/CO/5, para. 19 (b) and CRC/C/ERI/CO/4, para. 41 (b).
[118] CEDAW/C/ERI/CO/5, para. 19 (c). See also CRC/C/ERI/CO/4, para. 41 (f).
[119] CEDAW/C/ERI/CO/5, para. 20.
[120] Ibid., para. 21 (a)–(c) and (c)–(f). See also CRC/C/ERI/CO/4, para. 39 (e).
[121] CEDAW/C/ERI/CO/5, paras. 8 (a) and 32.
[122] Ibid., para. 8 (b). See also CEDAW/C/ERI/CO/5/Add.1, para. 9.
[123] CEDAW/C/ERI/CO/5, para. 20 (c).
[124] Ibid., para. 8 (c).
[125] A/HRC/32/47, para. 47.
[126] For relevant recommendations, see A/HRC/26/13, paras. 122.123–122.124 and 122.173.
[127] CRC/C/ERI/CO/4, paras. 5 (d) and 11.
[128] Ibid., para. 12.
[129] Ibid., para. 14.
[130] Ibid., para. 16 (a).
[131] Ibid., para. 16 (d).
[132] Ibid., para. 10 (c).
[133] Ibid., para. 25 (a).
[134] A/HRC/32/47, para. 48.
[135] CEDAW/C/ERI/CO/5, para. 43 (a), and CRC/C/ERI/CO/4, para. 41 (d).
[136] CRC/C/ERI/CO/4, para. 41 (e).
[137] Ibid., para. 36 (b)–(c).
[138] Ibid., para. 38.
[139] Ibid., para. 39 (c).
[140] A/HRC/32/47, para. 48.
[141] CEDAW/C/ERI/CO/5, para. 30, and CRC/C/ERI/CO/4, paras. 59 (d) and 63 (b). See also CEDAW/C/ERI/CO/5/Add.1, paras. 12–14.
[142] CEDAW/C/ERI/CO/5, paras. 9 (a) and 31 (a).
[143] CRC/C/ERI/CO/4, para. 63 (a).
[144] Ibid., para. 36 (a). See also CEDAW/C/ERI/CO/5/Add.1, para. 9.
[145] CRC/C/ERI/CO/4, para. 64 (a)–(b). See also CEDAW/C/ERI/CO/5/Add.1, para. 9.
[146] CEDAW/C/ERI/CO/5, paras. 9 (b) and 31 (b).
[147] CEDAW/C/ERI/CO/5/Add.1, para. 9.
[148] CRC/C/ERI/CO/4, paras. 65–66 (a)–(b).
[149] Ibid., para. 67.
[150] Ibid., paras. 53–54.
[151] Ibid., paras. 72–73.
[152] Ibid., paras. 25 (b).
[153] A/HRC/32/47, para. 124 (c).
[154] A/HRC/38/50, paras. 89–92.
[155] Ibid., para. 109 (j).
[156] For the relevant recommendation, see A/HRC/26/13, para. 122.195.
[157] CEDAW/C/ERI/CO/5, paras. 6, 8 and 10, and CRC/C/ERI/CO/4, para. 7.
[158] CRC/C/ERI/CO/4, para. 29 (b).
[159] Ibid., paras. 45–46 (a).
[160] CEDAW/C/ERI/CO/5, para. 26.
[161] CRC/C/ERI/CO/4, para. 31. See also CEDAW/C/ERI/CO/5, para. 27.